

Appeal Decision

Site visit made on 27 September 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

Appeal Ref: APP/N4720/W/16/3155052

Barn at Springwood Hall, Priesthorpe Road, Farsley, Leeds, West Yorkshire LS28 5RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Ms Joanna Lowe against the decision of Leeds City Council.
 - The application Ref 16/03123/DPD, dated 16 May 2016, was refused by notice dated 6 July 2016.
 - The development proposed is a change of use of an agricultural building to form two dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Joanna Lowe against Leeds City Council. This application is the subject of a separate Decision.

Procedural Matters and Main Issue

3. The description of the development set out above is taken from the Council's Decision Notice and the appeal form. It is altered from that on the application form through the removal of narrative text not related to the development itself.
 4. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) permits a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 and the building operations reasonably necessary to convert the building to that use.
 5. The Council considers that the proposal is not permitted development for two reasons. Firstly, that the works would require building operations beyond those which come within the category specified in Q.1 (i). Secondly, that the external dimensions of the building as proposed would extend beyond the external dimensions of the existing building (Q.1 (g)). Accordingly, the first main issue in this appeal is whether the proposal meets the pre-conditions in Q.1 to be capable of permitted development.
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6. If the conditions in Q.1 are not met, I do not need to consider any other matters as the proposal would not be permitted development. If these pre-commencement conditions are met, the remaining issue is:
- Whether the location of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Reasons

Extent of conversion works

7. The existing barn is a single storey steel portal frame construction which is set into the slope of the land. It consists of 4 equal bays and the roof purlins are timber. There is a dwarf block wall around the building which is partially open on one side. The walls are clad with timber and non-metal sheeting and the roof is clad with metal sheeting. The building has a concrete floor which slopes to accord with the ground levels. I noted on my visit to the site that the roof had collapsed in part and one of the timber purlins was split.
8. The application form states that the conversion would involve the removal of the dwarf block wall and the cladding above it. New footings would be added to take the new stone walls and the metal sheeting to the roof would be removed to accommodate the new roofing slate. New windows and doors would be installed. A Feasibility Report¹, accompanied the application details. This states that *"it is considered that it would be feasible to incorporate the main frame of the barn into the conversion to living accommodation"* and *"precise structural calculations to check the steel portal frame have not been carried out but provided the perimeter and internal division walls are used to support first floor ceiling loads, the steel rafters would in our opinion be strong enough to support snow loading and the above roof tile loading."* The tile referred to is a lightweight fibre cement roof tile weighing approximately 20kg/m². However, the proposed drawings show that the roof covering would be Forticrete Hardrow roof slates which would be heavier.
9. GPDO Q.1(i) indicates that development is not permitted if the development under Class Q (b) would consist of building operations other than (i) the installation or replacement of (aa) windows, doors, roofs or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling; and (ii) partial demolition to the extent reasonably necessary to carryout building operations allowed by paragraph Q.1 (i)(i).
10. The Planning Practice Guidance (PPG) provides advice on the interpretation of Class Q (i). It advises that Class Q assumes that the agricultural building is capable of functioning as a dwelling. Having regard to that advice, it is not the intention of the permitted development right to include the construction of new structural elements for the building. Although Class Q.1(i) allows for the installation and replacement of exterior walls and roof, windows and services, etc to the extent necessary for the building to function as a dwelling, the starting point for those considerations is that the existing building is capable of conversion and functioning as a dwelling.

¹ Report on Feasibility of Conversion, Marshall Campbell Associates Ltd, 5 May 2016.

11. The PPG clearly states that it is not the intention of permitted development rights to allow for the construction of new structural elements and that it is only where the existing building is strong enough to take the loading that comes with the external works that the building would be considered to have permitted development rights.
12. In this case no detailed structural survey was submitted with the application, only a feasibility report, albeit it was carried out by a structural engineer. The appellant's final comments state that no additional structural foundations are proposed, however this is contrary to the information on the application form which states that "*new footings will be added to take the new stone wall.*" In the absence of a detailed structural report showing how the walls would be supported, and based on the evidence provided in the Feasibility Report and my inspection of the site, I am not convinced that the existing structure, although capable of being incorporating into the new dwelling, would be capable of supporting the four new walls, or indeed the first floor accommodation.
13. I consider that the removal of all the existing walls, the concrete floor and roof would amount to more than partial demolition. Moreover, taken together, the extensive works of replacing the roof and ground floor, constructing new stone walls and inserting an internal load bearing dividing wall and first floor, would be tantamount to the construction of a new building to function as a dwelling and could not reasonably be described as a conversion of the existing structure.
14. I have had regard to Appeal Ref: APP/G1630/W/15/3140166 where the Inspector found that there was no compelling evidence to show that the existing building is not strong enough to take the loading associated with the external works necessary for residential use. I do not know the specific details of that case, however it from the decision letter it would appear that a structural report accompanied the application and that the external facing materials to the first floor would rely on the existing steel frame to take the loading. It is not therefore directly comparable to this case and I therefore give it limited weight.
15. I therefore conclude that the proposed works would fall outside of the limitations of paragraph Q.1 (i) and would go substantially beyond works reasonably necessary to convert the building. Consequently, the building is not capable for conversion within the scope of the permitted development rights under Class Q of the GPDO and the proposed works would amount to development for which an application for planning permission would be required.

Size of the proposed building as converted

16. GPDO Q.1 (g) states that development is not permitted if it would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The Council consider that the works proposed to lower the ground floor slab of the building would increase the depth of the building and therefore technically result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

17. The buildings existing concrete floor slopes to accord with ground levels. Whilst the proposed works would provide a new level floor for the building, overall the new ground floor level would not be any lower than the lowest point of the existing concrete floor. Moreover, the overall height and profile of the building would remain unaltered. I do not therefore consider that the proposed development would result in the **external** (my emphasis) dimensions of the building extending beyond the external dimensions of the existing building at any given point. I therefore find the proposal would accord with the requirements of paragraph Q.1 (g) of the GPDO.

Other Matters

18. Given my conclusion on the main issue in relation to the extent of building works, there is no valid prior approval application. I do not therefore need to consider the issue which relates to the prior approval matter.

Conclusion

19. Although I have found that the proposal would accord with the requirements of paragraph Q.1 (g) of the GPDO, I have found that the proposed works would fall outside of the limitations of paragraph Q.1 (i) and would go substantially beyond the building works reasonably necessary to convert the building to function as a dwellinghouse. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR